

Mr. Jay Tutchton
Earthjustice
Forbes House
1714 Poplar Street
Denver, CO 80220

Dear Mr. Tutchton:

Thank you for your January 6, 2003, petition to former U.S. Environmental Protection Agency (EPA) Regional Administrator Gregg Cooke regarding the Citizen's Petition for Preliminary Site Assessments (PA) on behalf of (b) (6) of Aztec, New Mexico. Your letter was referred to me for a reply since it concerns a matter within my delegated authority.

In order to properly address the request, requirements stated in 40 C.F.R. 300.420(b)(5) must be met, as stated below:

(5) Any person may petition the lead federal agency (EPA or the appropriate federal agency in the case of a release or suspected release from a federal facility), to perform a PA of a release when such person is, or may be affected by a release of hazardous substance, pollutant, or contaminant. Such petitions shall be addressed to the EPA Regional Administrator for the region in which the release is located, except that petitions for PAs involving federal facilities should be addressed to the head of the appropriate federal agency.

(i) Petitions shall be signed by the petitioner....

The Citizen's Petition must be requested and signed by the affected person(s).

Since you have represented that (b) (6), is the affected person, she should sign the Citizen's Petition and resubmit it to the EPA Region 6 Regional Administrator at the address listed above. For your information, Lawrence E. Starfield is the Acting Regional Administrator for EPA Region 6. When we receive (b) (6) properly signed petition, we will give it every consideration.

WEBSTER
6SF-RA
PEYCKE
6RC-S
1/31/03

BUZZELL
6SF
1/31/03

1/31/03

Thank you for your support and concern in this matter. If you have additional questions, please contact LaDonna Turner, of my staff, at 214-665-6666.

Sincerely yours,

Myron O. Knudson, P.E.
Director
Superfund Division